

AO 91 (Rev. 02/09) Criminal Complaint

United States District Court
Southern District of Texas
FILED

UNITED STATES DISTRICT COURT

for the
Southern District of Texas

FEB 14 2019

David J. Bradley, Clerk

United States of America
v.
Aaron AREVALO (U.S.C. / Y.O.B. 1990)Case No. M-19-0349-MDefendant

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date of 02/12/2019 in the county of Hidalgo in the Southern District of Texas, the defendant violated Title 18 U. S. C. § Section 922 (g)(1), an offense described as follows:

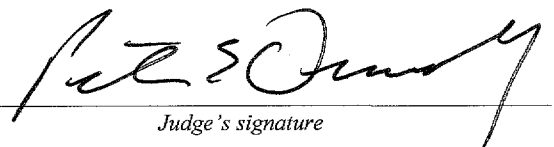
The defendant, did knowingly and unlawfully possess a Kel-Tec, model: P-11, 9mm pistol bearing serial number A9980 which had previously traveled in and affected interstate commerce, after being convicted in a court of law for a felony crime punishable by imprisonment for a term exceeding one year.

This criminal complaint is based on these facts:

SEE ATTACHMENT "A"

☒ Continued on the attached sheet.Approved:
Robert Wills, AUSA
2/14/2019
S/A, ATF
Complainant's signatureAlexander Estrada, Special Agent, ATF
Printed name and title

Sworn to before me and signed in my presence.

Date: Feb. 14, 2019 10:34 am
Judge's signatureCity and state: McAllen, TexasPeter E. Ormsby, U.S. Magistrate Judge
Printed name and title

ATTACHMENT A

I, Alexander Estrada, being duly sworn, do hereby state that I am a Special Agent (S/A) with the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), a Division of the United States Department of Justice, and have been so employed since January 17, 2016. As a Special Agent with the Bureau of Alcohol, Tobacco, Firearms and Explosives, I am vested with the authority to investigate violations of Federal laws, including Titles 18 and 26 of the United States Code.

This affidavit is in support of a criminal complaint charging Aaron Paul AREVALO (hereinafter referred to as "AREVALO"), with the criminal violation set forth. The evidence available to me demonstrates that there is probable cause to believe that AREVALO has violated Title 18 U.S.C 922(g)(1) which provides as follows: It shall be unlawful for any person who has been convicted in any court of, a crime punishable by imprisonment for a term exceeding one year, to receive, possess, or transport any firearm or ammunition in or affecting interstate or foreign commerce; or to receive any firearm or ammunition which has been shipped or transported in interstate or foreign commerce.

Further, the Affiant states as follows:

On or about February 8, 2019, Edinburg Police Narcotics Investigator Arnaldo Ysquierdo Jr. received information that AREVALO was selling cocaine from a Motel 6 located in Edinburg, Texas.

On February 12, 2019, surveillance was conducted on the aforementioned location. Edinburg Police Department Investigators witnessed AREVALO exit a hotel room with a backpack donned, accompanied by another individual and proceeded to board a Ford F-150 pickup truck. While conducting mobile surveillance, Investigator Ysquierdo Jr. witnessed the same Ford F-150 make a sudden lane change without signaling. Edinburg Police Officer Isaac Tamez assisted Edinburg Police Investigators by conducting the traffic stop of the Ford F-150.

During the traffic stop, Edinburg Police Officer Edward Badillo made contact with AREVALO. As Officer Badillo spoke to AREVALO he noticed a bulge in AREVALO's pant pocket and asked what AREVALO had in his pocket. AREVALO then pulled out a sock containing a glass-smoking pipe used to smoke illicit drugs. AREVALO was then placed under arrest for possession of drug paraphernalia. Officer Badillo also made contact with the driver of the vehicle and asked if there was any contraband inside of the vehicle. The driver mentioned to Officer Badillo that there was a backpack in the backseat of the vehicle. Officer Badillo then received verbal consent to locate and search the backpack. The backpack was later identified as the same backpack previously worn by AREVALO. A search of the backpack revealed 56.1 grams of cocaine, .5 grams of methamphetamine, 2.9 ounces of marijuana and a firearm, to wit: a Kel-Tec, model: P-11, 9mm pistol bearing serial number A9980.

ATTACHMENT A

On February 13, 2019, AREVALO made statements to Edinburg Police Investigators, after waiving his Miranda Rights, and admitted to possessing and claimed ownership of the aforementioned Kel-Tec pistol which was loaded with six (6) rounds of 9mm ammunition.

Also on February 13, 2019, your Affiant conducted a law enforcement query and found the following felony convictions for AREVALO:

State of Texas v. Aaron Paul AREVALO – 398th Judicial District Court of Hidalgo County, Texas – Possession with Intent to Deliver a Controlled Substance, to-wit: Cocaine in the amount of 4 grams or more but less than 200 grams, a 1st degree felony, under cause number CR-357-08-I in 2008 and sentenced to community supervision for a period of ten (10) years.

State of Texas v. Aaron Paul AREVALO – 398th Judicial District Court of Hidalgo County, Texas – Unlawful Possession of a Firearm by a Felon, a 3rd degree felony, under cause number CR-5175-15-I in 2015 and sentenced to five (5) years in the Institutional Division of the Texas Department of Criminal Justice.

Your affiant spoke with ATF S/A Carlos Delgado Jr., who is a recognized expert in the interstate and foreign commerce travel of firearms and ammunition. Based on the information your affiant provided S/A Delgado about the firearm and ammunition possessed by AREVALO, S/A Delgado stated the firearm and ammunition were manufactured outside of the State of Texas and therefore, previously traveled in interstate or foreign commerce at sometime prior to being possessed by any person in the State of Texas.

Based on the above information, Aaron Paul AREVALO, was in possession of the above mentioned firearm and ammunition in violation of Title 18, United States Code, Section 922(g)(1), on February 13, 2019, in Hidalgo County, Texas.

 S/A, ATF

Alexander Estrada, Special Agent, ATF

Sworn to before me and subscribed in my presence,


Peter E. Ormsby, U.S. Magistrate Judge

